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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,296	09/22/2005	Michael Grill	10191/4106	5687
26646	7590	01/14/2008		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER LU, SHIRLEY	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/522,296

Applicant(s)

GRILL ET AL.

Examiner

Shirley Lu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Arguments**

- a. Applicant argues that Klatt does not specifically disclose the newly amended limitations of claim 9 and 15. Please see action below.

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim(s) 9-18 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klatt (4510906) in view of Buck 5267752.**

As to claims 9, 15,

Klatt discloses:

A method for signaling several items of information relevant for operating a motor vehicle having a drive unit, comprising:

representing different items of information by unambiguous haptic signals at different positions of a control element of the vehicle; forming the different items of information by different fuel consumption values; ([2, 32-62]; [3, 1-15]; [1, 43-60]);

respectively representing the different fuel consumption values by a characteristic of one of the haptic signals on the control element having a maximum at the associated position of the control element; and ([2, 32-62]; [1, 43-60]).

determining a specific fuel consumption from a resulting setpoint value for an output variable of the drive unit and a current engine speed [2, 32-61];

Klatt does not expressly teach determining a specific fuel consumption from a resulting setpoint value for an output variable of the drive unit and a current engine speed; converting said specific fuel consumption per unit of distance value; and ascertaining the one of the haptic signals as a function of a consumption per unit of distance using a characteristics function.

Buck discloses determining a specific fuel consumption from a resulting setpoint value for an output variable of the drive unit ([4, 4-50])

converting said specific fuel consumption per unit of distance value [3, 1-12]; and

ascertaining the one of the haptic signals as a function of a consumption per unit of distance using an additional characteristics function (fig. 3; [4, 27 to 5, 15]).

It would have been obvious to one of ordinary skill in the art to modify Klatt to teach determining a specific fuel consumption from a resulting setpoint value for an output variable of the drive unit and a current engine speed; converting said specific fuel consumption per unit of distance value; and ascertaining the one of the haptic signals as a function of a consumption per unit of distance using a characteristics function, so as to utilize a more specific characteristic function for various driving conditions.

As to claims 10, 16, Klatt discloses:

the haptic signals have a maximum [2, 32-62].

As to claims 11, 17, Klatt discloses:

the control element includes an accelerator pedal [2, 1-20].

As to claims 12, 18, Klatt discloses:

the characteristic of the one of the haptic signals includes a saw-tooth-shaped characteristic ([2, 32-62]; [3, 1-15]).

As to claim 13, Klatt discloses:

further comprising: specifying at least one of the fuel consumption values using an input unit ([2, 32-62]; [1, 44-60]); at some point, a consumption value was inputted into the system).

As to claim 14, Klatt discloses:

further comprising: forming the one of the haptic signals by a restoring a force acting on the control element [2, 32-62].

### **Conclusion**

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Lu whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**BENJAMIN C. LEE**  
**PRIMARY EXAMINER**